

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Root, Inc., et al.,

Plaintiffs,

v.

Silver, et al.,

Defendants.

: Case No. 2:23-cv-512
:
: Judge Sarah D. Morrison
:
: Magistrate Judge Elizabeth Preston Deavers

**DECLARATION OF GRACE E. SAALMAN FOR ENTRY OF DEFAULT AGAINST
COLLATERAL DAMAGE, LLC AND ECLIPSE HOME DESIGN, LLC**

I, Grace E. Saalman, declare in support of the Application for Entry of Default by Clerk Against Defendants Collateral Damage, LLC, and Eclipse Home Design, LLC (together, “Defendants”) filed by Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (“Plaintiffs” or “Root”) in the above-captioned matter:

1. I am an attorney at Vorys, Sater, Seymour and Pease LLP (“Vorys”) and represent Plaintiffs in the above-captioned matter.
2. I make this statement based on my personal knowledge, information, and belief.
3. On February 14, 2023, Root properly served Defendants with the Verified First Amended Complaint for Damages and Injunctive Relief (“First Amended Complaint”). (ECF No. 20.)
4. Defendants filed their Answers to the First Amended Complaint on June 16, 2023. (ECF Nos. 128, 129.)
5. On June 25, 2023, counsel for Defendants filed a motion to withdraw as counsel of record. (ECF No. 138.)
6. On July 5, 2023, the Court granted the motion to withdraw as counsel and ordered

Defendants to obtain counsel, as required by law and the Federal Civil Rules of Procedure, within thirty days, and have counsel enter an appearance on their behalf. (ECF No. 144.)

7. The Court's July 5, 2023 Order stated that "[f]ailure to comply with this Order may result in an entry of default . . ." (*Id.*)

8. No counsel entered an appearance on Defendants' behalf by this Court's deadline of August 4, 2023.

9. On September 28, 2023, the Court granted Root's Motion for Leave to File Second Amended Complaint *Instantly*. (ECF Nos. 172 and 173.)

10. The Court's electronic filing system states that the Court provided notice to Collateral Damage, LLC of its September 28, 2023 Order and the Second Amended Complaint at the following address: 101 N. Brand Blvd. 11th Floor, Glendale, California 91203. (ECF Nos. 172 and 173.)

11. In an abundance of caution, on September 28, 2023, Plaintiffs also mailed copies of the September 28, 2023 Order and Second Amended Complaint to Collateral Damage, LLC to the care of Butler County Jail (to the attention of Brinson Caleb Silver, Inmate # 303850) at the following address: 705 Hanover Street, Hamilton, Ohio 45011.

12. The Court's electronic filing system states that the Court provided notice to Eclipse Home Design, LLC of its September 28, 2023 Order and the Second Amended Complaint at the following address: 651 N. Broad Street, Suite 201, Middletown, Delaware 19709. (ECF Nos. 172 and 173.)

13. In an abundance of caution, on September 28, 2023, Plaintiffs also mailed copies of the Court's September 28, 2023 Order and Second Amended Complaint to Eclipse Home Design, LLC to the following address: 651 N. Broad Street, Suite 201, Middletown, Delaware

19709.

14. Pursuant to Federal Rule of Civil Procedure 15, Defendants' deadline to move or plead in response to the Second Amended Complaint was October 12, 2023.

15. Defendants failed to move or plead in response to the Second Amended Complaint.

16. On January 22, 2024, the Court again ordered Defendants to retain counsel by February 13, 2024 or face default. (ECF No. 225.) The January 22, 2024 Order stated, "[f]ailure to comply with this Order may result in entry of default against these Defendants." (*Id.*)

17. To the best of my knowledge, Defendants have failed to retain counsel. Further, no counsel entered an appearance on behalf of Defendants by the Court's February 13, 2024 deadline.

18. Defendants have failed to retain counsel as ordered by the Court on July 5, 2023 and January 22, 2024, and are therefore in default under Federal Rule of Civil Procedure 55(a) for failing to plead or otherwise defend.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 20, 2024.

/s/ Grace E. Saalman
Grace E. Saalman